

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOEL MARCEL CARTER,

Petitioner,

Case Number: 06-CV-11927

v.

HON GEORGE CARAM STEEH

WILLIE SMITH,

Respondent.

**ORDER DENYING PETITIONER’S “RULE 60(B)(4) MOTION FOR RELIEF
FROM JUDGMENT OR ORDER PURSUANT TO FED. R. CIV. P. 60(B)”**

Petitioner Joel Marcel Carter filed a *pro se* petition for a writ of habeas corpus. On January 31, 2007, the Court issued an Opinion and Order Denying Petition for Writ of Habeas Corpus. Now before the Court is Petitioner’s “Rule 60(b)(4) Motion for Relief from Judgment or Order Pursuant to Red. R. Civ. P. 60(b).”

Rule 60(b)(4) provides for relief in circumstances where the underlying judgment is void. Antoine v. Atlas Turner, Inc., 66 F.3d 105, 108 (6th Cir. 1995). “A judgment is void under 60(b)(4) ‘if the court that rendered it lacked jurisdiction of the subject matter, or of the parties, or if it acted in a manner inconsistent with due process of law’.” Id., *quoting In re Edwards*, 962 F.2d 641, 644 (6th Cir. 1992). Petitioner has failed to show that this Court lacked jurisdiction over his habeas corpus petition or over the parties to that action or that this Court acted in a manner inconsistent with due process. Therefore, Petitioner is not entitled to relief from judgment under Rule 60(b)(4).

Accordingly, **IT IS ORDERED** that Petitioner’s “Rule 60(b)(4) Motion for Relief from

Judgment or Order Pursuant to Fed R. 60(b)” is **DENIED**.

Dated: October 29, 2007

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
October 29, 2007, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk